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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Goelet *et al.*

Examiner: K. Horlick

Serial No.: 08/971,344

Group Art Unit: 1634

Filed: December 21, 1999

Docket: 13020-2

For: SINGLE NUCLEOTIDE POYMORPHISMS
AND THEIR USE IN GENETIC ANALYSIS

Kalow Springut & Bressler LLP
488 Madison Avenue, 19th Floor
New York, New York 10022

April 05, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

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SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In order to fulfill the requirements of candor and good faith set forth in 37 CFR § 1.56, Applicants submit herewith the following disclosures in accordance with the provisions of 37 CFR § 1.97 and § 1.98.

FOREIGN PATENT DOCUMENTS

<u>PATENT APPLICATION NO.</u>	<u>TITLE</u>	<u>PUBLICATION DATE</u>
WO 90/09455	Detection of a Nucleic Acid Sequence or a Change Therein	23 August 1990
WO 90/01069	Process for Amplifying and Detecting Nucleic Acid Sequences	8 February 1990
EP 0246864	Hybridisation Probes	25 November 1987
WO 92/16657	Method of Identifying a Nucleotide Present at a Defined Position in a Nucleic Acid	1 October 1992

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PATENT
APPLICATION
NO.

TITLE

PUBLICATION
DATE

FR 8910802 ¹	Fast Process for Detecting and/or Identifying a Single Base on a Nucleic Acid Sequence and Its Applications	15 February 1991
EP 0412883	Procede Rapide de Detection et/ou d'Identification d'une Seule Base sur une Sequence d'Acide Nucleique, et ses Applications	13 February 1991

The foreign patent documents are also listed on Applicants' PTO 1449 Form which is enclosed for the convenience of the Examiner. A copy of each of the items identified above is submitted with this statement. Also attached for the convenience of the Examiner is a copy of the European search report for the European patent application corresponding to the present US application.

The attorneys for the Applicants take no position on whether or not any item cited above and listed on Form PTO 1449 constitutes prior art against the subject application under any particular provision of Title 35 of the United States Code.

Attorneys for the Applicants also bring to the Examiner's attention a copy of the information disclosure statement and accompanying PTO 1449 Form for parent application serial no. 08/216,538 filed March 23, 1994, which was originally submitted in the grandparent application serial no. 08/145,145 filed November 03, 1993. The present application is a CPA of application serial no. 08/971,344, filed November 17, 1997, which is a file wrapper continuation (FWC) of application serial

¹ Applicants submit a translation of French Application No. 8910802 which is the priority document for European Patent Application No. 0412883 cited in the attached European search report. Applicants also resubmit under Rule 37 CFR 1.98(c) page 1 of WO 9102087 previously submitted, which provides an English translation of the abstract of European Patent Application No. 0412883.

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no. 08/216,538. Applicants respectfully submit that according to 37 CFR § 1.98(d) the attached disclosure from application serial no. 08/216,538 is of record in the present application.

If there are any questions or comments relating to the present application, the Examiner is respectfully invited to contact Applicants' attorney at the telephone number set forth below.

Respectfully submitted,



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**Europäisches
Patentamt**

Zweigstelle
in Den Haag
Recherchen-
abteilung

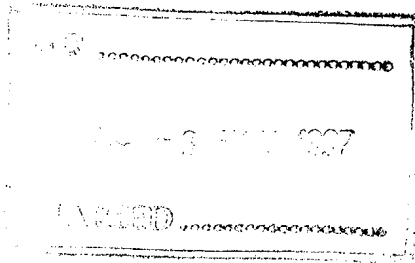
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Datum/Date
30. 10. 97

Zeichen/Ref./Réf.

N.71477 DMG/SMW

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.
95900520.8

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire
MOLECULAR TOOL, INC.

COMMUNICATION

The European Patent Office herewith transmits

- ☐ the European search report
- ☐ the declaration under Rule 45 EPC
- ☐ the partial European search report under Rule 45 EPC
- ☒ the supplementary European search report concerning the international application under Article 157(2) EPC relating to the above-mentioned European patent application. Copies of the documents cited in the search report are enclosed.

The following specifications given by the applicant have been approved by the Search Division :

- ☒ Abstract ☒ Title ☐ Figure
- ☐ The abstract was modified by the Search Division and the definitive text is attached to this communication.
- ☐ The following figure will be published with the abstract, since the Search Division considers that it better characterises the invention than the one indicated by the applicant.

Figure:

- ☒ Additional copy(copies) of the documents cited in the European search report.

REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





European Patent
Office

**SUPPLEMENTARY
EUROPEAN SEARCH REPORT**

Application Number
EP 95 90 0520

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
D,X	WO 92 15712 A (MOLECULAR TOOL INC) 17 September 1992 * the whole document * ---	1-3,9, 11-19,31	C07H21/04 C12Q1/68
X	EP 0 412 883 A (BERTIN & CIE) 13 February 1991 * the whole document * ---	1-3,9, 11-19,31	
X	WO 89 10414 A (WALLACE ROBERT BRUCE ;SKOLNICK MARK H (US)) 2 November 1989 * claims 1,3,26 * ---	1-3,9, 11-19,31	
X	WO 90 09455 A (GENECO PTY LTD) 23 August 1990 * the whole document * ---	1-3,9, 11-19,31	
X	WO 92 16657 A (DU PONT) 1 October 1992 * the whole document * ---	1-3,9, 11-19,31	
Y	EP 0 246 864 A (ICI PLC) 25 November 1987 * the whole document * ---	1-10,31	TECHNICAL FIELDS SEARCHED (Int.Cl.6)
Y	WO 90 01069 A (SEGEV DIAGNOSTICS INC) 8 February 1990 * claims 1,16 * -----	1-10,31	C12Q
The supplementary search report has been drawn up for the claims attached hereto.			
Place of search THE HAGUE		Date of completion of the search 13 October 1997	Examiner Osborne, H
<div>CATEGORY OF CITED DOCUMENTS</div> <div><div>X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document</div><div>T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons ----- & : member of the same patent family, corresponding document</div></div>			

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 95 90 0520

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report.
The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

13-10-1997

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9215712 A	17-09-92	AU 660173 B AU 1584892 A CA 2105060 A EP 0576558 A JP 6505394 T	15-06-95 06-10-92 06-09-92 05-01-94 23-06-94
EP 0412883 A	13-02-91	FR 2650840 A AT 145248 T AU 6180190 A CA 2038932 A DE 69029105 D DE 69029105 T WO 9102087 A JP 4502862 T	15-02-91 15-11-96 11-03-91 12-02-91 19-12-96 03-04-97 21-02-91 28-05-92
WO 8910414 A	02-11-89	AU 3694689 A	24-11-89
WO 9009455 A	23-08-90	AU 656514 B AU 5106990 A CA 2044591 A EP 0457824 A IE 66572 B JP 4503158 T	09-02-95 05-09-90 14-08-90 27-11-91 24-01-96 11-06-92
WO 9216657 A	01-10-92	NONE	
EP 0246864 A	25-11-87	AT 108490 T DE 3750198 D DE 3750198 T ES 2058112 T HK 125195 A JP 63022197 A	15-07-94 18-08-94 26-01-95 01-11-94 11-08-95 29-01-88
WO 9001069 A	08-02-90	AT 138106 T DE 68926504 D DE 68926504 T EP 0425563 A JP 3505971 T	15-06-96 20-06-96 12-09-96 08-05-91 26-12-91